

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF:**

**CHAPTER 13 NO.:**

**WAYMOND NOLEN  
SANDRA D. NOLEN**

**13-15235-JDW**

**NOTICE OF TRUSTEE'S MOTION TO DEEM SECTION  
1322(b)(5) CLAIM CURRENT AND DEFAULTS CURED**

Should any party receiving this notice respond or object to said motion, such response or objection is required to be filed on or before February 21, 2018, with the Clerk of this Court using the CM/ECF system or at the following address:

Shallanda J. Clay, Clerk of Court  
U. S. Bankruptcy Court  
Northern District of Mississippi  
703 Highway 145 North  
Aberdeen, MS 39730

A copy of the response must also be served on the Chapter 13 Trustee. If no responses are filed, the Court may consider said motion immediately after the time for responses has expired. In the event a written response is filed, the Court will notify you of the date, time and place of the hearing thereon.

**CERTIFICATE**

I, the undersigned attorney for Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to all affected creditors and their attorney(s), if known.

Dated: January 28, 2019

LOCKE D. BARKLEY, TRUSTEE

/s/ W. Jeffrey Collier  
ATTORNEYS FOR TRUSTEE  
W. Jeffrey Collier (MSB 10645)  
Melanie T. Vardaman (MSB 100392)  
6360 I-55 North, Suite 140  
Jackson, Miss. 39211  
(601) 355-6661  
ssmith@barkley13.com

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THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN THE MATTER OF:**

**CHAPTER 13 NO.:**

**WAYMOND NOLEN  
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**TRUSTEE'S MOTION TO DEEM SECTION  
1322(b)(5) CLAIM CURRENT AND DEFAULTS CURED**

COMES NOW the Trustee, Locke D. Barkley, by and through counsel, and files this Motion to Deem Section 1322(b)(5) Claim Current and Defaults Cured as to the claim of the creditor identified herein.

The Trustee requests an order of this Court deeming the below referenced continuing mortgage claim contractually current and pre-petition defaults cured, as of the date stated in Part C below.

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**A. Creditor and Claim:**

Creditor: Citibank, N.A. as trustee for CMLTI Asset Trust

Where notices should be sent pursuant to Notice of Transfer:

Fay Servicing, LLC

Court claim no.: 13

Last four digits of account number (if known): 1955

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**B. Pre-Petition Arrears Cured:**

Amount of allowed pre-petition arrearage: \$7,012.34

Amount paid by Trustee: \$7,012.34

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**C. Continuing Monthly Mortgage Payment:**

As of the date of the final disbursement by the Trustee, continuing monthly mortgage payment is contractually current through: January 2019

Total amount of continuing payments disbursed by the Trustee: \$50,807.26

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WHEREFORE, PREMISES CONSIDERED, the Trustee requests this Court enter its order:

- a. Deeming all prepetition defaults cured and the contractual payments due on Debtor's mortgage loan current through the month of January 2019;
- b. Any post-petition mortgage fees, expenses, or charges which the Creditor may allege owed, for which a Notice of Postpetition Mortgage Fees, Expenses, and Charges was not timely filed pursuant to Rule 3002.1(c), are disallowed, subject to discharge, and may not be collected by the Creditor; and
- c. Awarding such other and further relief as is just and proper.

Dated: January 28, 2019

Respectfully submitted,

LOCKE D. BARKLEY, TRUSTEE

/s/ W. Jeffrey Collier

ATTORNEYS FOR TRUSTEE

W. Jeffrey Collier (MSB 10645)

Melanie T. Vardaman (MSB 100392)

6360 I-55 North, Suite 140

Jackson, Miss. 39211

(601) 355-6661

ssmith@barkley13.com

**CERTIFICATE OF SERVICE**

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Fay Servicing, LLC  
3000 Kellway Drive, Suite 150  
Carrollton, TX 75006

Karen A. Maxcy, Esq.  
Attorney for Creditor

Dated: January 28, 2019

/s/ W. Jeffrey Collier  
W. JEFFREY COLLIER